

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT WOOTEN,

Plaintiff,

v.

THE STATE OF CALIFORNIA, et al.,

Defendants.

No. 2:22-cv-00850 TLN CKD (PS)

ORDER

Plaintiff is proceeding in this action pro se. Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 302(c)(21).

Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

The federal in forma pauperis statute authorizes federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).


Here, plaintiff’s brief and conclusory allegations do not state a federal claim against any defendant. The federal courts are courts of limited jurisdiction. In the absence of a basis for

1 federal jurisdiction, plaintiff's claims cannot proceed in this venue. Because there is no basis for
2 federal subject matter jurisdiction evident in the complaint, plaintiff will be ordered to show cause
3 why this action should not be dismissed. Failure to allege a proper basis for subject matter
4 jurisdiction will result in a recommendation that the action be dismissed.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's request to proceed in forma pauperis (ECF No. 3) is granted;
7 2. No later than June 20, 2022, plaintiff shall show cause why this action should not be
8 dismissed for lack of subject matter jurisdiction.

9 Dated: June 3, 2022



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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